

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Criminal No.: 08-128 (1) (RHK/JJG)

Plaintiff,

**ORDER**

vs.

Edward Lee Smith,

Defendant.

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Before the Court is Defendant's Objection to the June 24, 2008 Report and Recommendation of Magistrate Judge Jeanne J. Graham; the objected-to portion of the Report and Recommendation deals with a motion to suppress evidence from a search of Defendant's home and Judge Graham has recommended that the motion to suppress evidence from that search be denied.

The Court has reviewed de novo the Report and Recommendation and the Objection thereto and is satisfied that Judge Graham's recommendation is supported by the factual record before her and applicable legal authority. Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Defendant's Objection (Doc. No. 34) to the Report and Recommendation is **OVERRULED;**
2. The Report and Recommendation (Doc. No. 32) is **ADOPTED;** and
3. The Motion to Suppress Search and Seizure Evidence (Doc. No. 21) is **DENIED.**

Dated: July 23, 2004

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge